

### REMARKS

Claims 1-32 are pending in the present application. Claims 1, 15, 22 and 28 are the pending independent claims. Each of claims 1-32 stands finally rejected under 35 U.S.C. §102(b) or 35 U.S.C. §103(a).

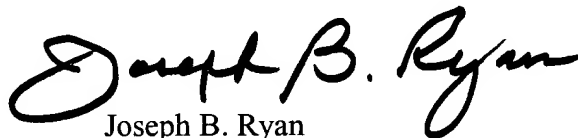
The independent claims have been amended in a manner which is believed to distinguish the claimed invention from the prior art of record, taking into account the comments of the Appeal Board as provided at page 7 of the Decision on Appeal.

For example, with regard to independent claim 1, the claim as amended recites that the assigned portions of the data signal each have the same bit rate as the data signal itself, and that assignment of the portions to the channels is implemented in a permuted manner which makes it difficult for an unauthorized user having no knowledge of the assignment to reconstruct the data signal from received portions thereof. An illustrative embodiment is shown in FIG. 7 of the drawings, where an initial data stream 215 is separated into four portions, each of which is assigned to a corresponding one of four wavelength channels denoted  $\lambda_1$ ,  $\lambda_2$ ,  $\lambda_3$  and  $\lambda_4$ . The assignment of the portions to the channels is permuted in this embodiment, in that the first portion is assigned to the first wavelength channel, the second portion to the third wavelength channel, the third portion to the second wavelength channel, and so on. This provides an advantageous security function, as described at, for example, page 2, lines 2-10. See also the embodiment of FIG. 9 and the corresponding text at page 8, line 28, to page 9, line 23.

Similar amendments have been made to the other independent claims.

In view of the above, Applicants believe that claims 1-32 as amended are in condition for allowance.

Respectfully submitted,



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